

REMARKS

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 currently appear in this application. The Office Action of August 16, 2007, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Double Patenting

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/381,200. This rejection is respectfully traversed.

It is believed that the present claims are patentable. If these claims are allowed prior to allowance of the claims of Application No. 10/381,200.

Claims 1-3, 5-12, 20-22, 27-31, 35 and 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 10/381,665. This rejection is respectfully traversed.

It is believed that the present claims are patentable. If these claims are allowed prior to allowance of the claims of Application No. 10/381,665, it is believed that the double patenting rejection will be moot. 10/381,665, it is believed that the double patenting rejection will be moot.

Rejections under 35 U.S.C. 112

Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claim 9 has been amended to include the recitation that L<sup>1</sup> can be "a substituted or unsubstituted C<sub>4</sub>-C<sub>8</sub> alkyl optionally containing 1-3 heteroatoms and optionally fused with aryl or heteroaryl." Support for this amendment can be found in the specification as filed at page 8, line 16 to page 9, line 12. It should be noted that in a preferred embodiment of the compounds of formula 1, Y is a piperidine molecule according to the right formula on page 9, line 7. Claim 36 has been amended to recite that L<sup>1</sup> is a triazole ring fused with an aryl ring.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Claim 9 has been amended to recite that  $L^1$  can be "a substituted or unsubstituted  $C_4-C_8$  alkyl optionally containing 1-3 heteroatoms and optionally fused with aryl or heteroaryl." Support for this amendment can be found in the specification as filed at page 8, line 16 to page 9, line 12. It should be noted that in a preferred embodiment of the compounds of formula 1, Y is a piperidine molecule according to the right formula on page 9, line 7.

Claims 10, 11, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 is said to recite "5-membered cyclic group containing 3 heteroatoms" in the definition of  $L^1$ . The Examiner states that there is insufficient antecedent basis for this limitation in the claim. This rejection is respectfully traversed.

Claim 9, from which claim 10 depends, has been amended to include the limitation, "a substituted or unsubstituted  $C_4-C_8$  alkyl optionally containing 1-3 heteroatoms and optionally fused with aryl or heteroaryl." It is believed

that this limitation provides proper antecedent basis for the limitation in claim 10.

Claim 11 has been amended to delete all repetitions and compounds for which there is no antecedent basis.

Claim 21 has been amended to include the omitted limitations. These limitations came directly from claim 1 from which claim 21 depends, and includes the limitations of the piperidine compound recited in claim 3.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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